

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

NICHOLAS JOSEPH KLOEPFEL,
Defendant.

NO. CR-08-0137-WFN-39

ORDER DISMISSING
INDICTMENT

A sentencing hearing was held for Defendant in CR-08-0154-FVS-1. Pursuant to the Plea Agreement in that case, the Government moves that the Indictment in the instant case be dismissed without prejudice. The Court prefers to dismiss with prejudice, so waited to grant the Government's Motion until judgment had been entered in the other Indictment and the time for appeal had run. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

1. The Government's Motion for Order of Dismissal Without Prejudice, filed September 23, 2009 , **Ct. Rec. 1602**, is **GRANTED in part**.

2. The Indictment shall be **DISMISSED with prejudice** as to Nicholas Joseph Kloepfel.

3. The Government's Motion to Expedite Hearing, filed September 23, 2009, **Ct. Rec. 1603**, is **GRANTED**. The underlying Motion was considered on an expedited basis.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 6th day of October, 2009.

s/ Wm. Fremming Nielsen
WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

09-23